



MEMO ENDORSED

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July 14, 2020

Via ECF

Honorable Denise L. Cote, U.S.D.J.
U.S. District Court for the Southern District of New York
500 Pearl Street, Room 1910
New York, NY 10007

Re: Spitzer v. Celestial Seasonings, Inc., Case No. 1:20-cv-2000-DLC

Dear Judge Cote:

This firm represents Defendant Celestial Seasonings, Inc. ("Celestial Seasonings") in the above-captioned matter. I write pursuant to the Court's Individual Rule 1(E) to request an extension of Celestial Seasonings' time to respond to the Complaint.

Celestial Seasonings' response to the Complaint presently is due July 27, 2020. Celestial Seasonings requests an extra ninety (90) days to respond to the Complaint, in order that Celestial Seasonings may: (1) complete its factual investigation relating to the matters alleged in the Complaint, a process made more difficult by the unlimited availability of personnel and other resources during the current pandemic, (2) manage its litigation docket, including four other pending food labeling cases filed by the same Plaintiff's counsel, and (3) consider whether to initiate settlement discussions with Plaintiff's counsel. The new date to respond would be October 25, 2020.

Plaintiff's counsel has consented to this extension. This is the first extension of time requested by Celestial Seasonings in this case. The extension would affect the Initial Conference presently set for July 31, 2020. That Conference previously was adjourned at the request of Plaintiff, with Celestial Seasonings' consent, from May 27 to July 27, 2020, because the original date would have been before Celestial Seasonings was required to appear or respond to the Complaint. Celestial Seasonings proposes that the Initial Conference be adjourned to October 29, 2020.

Celestial Seasonings thanks the Court for its consideration of this request.

Denied.

July 15, 2020

A handwritten signature in blue ink, appearing to read "Denise Cote", written over a horizontal line.

DENISE COTE
United States District Judge

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "August T. Horvath", written in a cursive style.

August T. Horvath
Counsel for Defendant